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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 001606

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SUBJECT: AZERBAIJAN: MEDIA FREEDOM DEVELOPMENTS CONTINUE TO RAISE CONCERN

REF: A. BAKU 1231

[B. BAKU 1523](#)

Classified By: Ambassador Anne E. Derse for Reasons 1.4 (b) and (d).

¶1. (C) Summary: On October 21 President Aliyev pardoned 106 prisoners, among them two journalists convicted of libel in 2006. The pardon was met with skepticism in the human rights community, in part because it overlooked popular political satirist, Mirza Sakit who was sentenced to prison on drug charges in September 2006. The OSCE Baku publicly welcomed the pardon but privately said that Aliyev could have done more to ameliorate the criminal and civil sentences of other journalists convicted of libel. OSCE also said that it will aggressively pursue legislation decriminalizing libel over the next year. Separately, the GOAJ State Property Committee filed suit to evict the opposition newspaper Azadliq from its downtown Baku offices, a building Azadliq shares with other newspapers and the Popular Front Party. In response, six opposition journalists and politicians began a hunger strike October 30 and on November 2, fifty opposition activists held an unauthorized rally in front of the State Committee's offices. Separately, President Aliyev downplayed international criticism of Azerbaijan's media freedom performance in a meeting with foreign reporters. All of these developments point to a continued deterioration in Azerbaijan's media environment. We are analyzing the factors underlying these developments and will report septel. We continue to raise our concerns at all levels of government. End Summary.

ALIYEV PARDONS PRISONERS, TWO JOURNALISTS

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¶2. (C) On October 21, President Aliyev pardoned 106 prisoners on the occasion of Azerbaijani Sovereignty Day. The decree did not include any of the three persons designated political prisoners in the Council of Europe's 2002 Experts Report. However, the decree pardoned Shahin Agabeyli, editor-in-chief of Milli Yol newspaper and Samir Adigzalov, editor of Boyuk Millat newspaper, two journalists imprisoned in the 2006 for libeling GOAJ officials (ref a). The decree did not pardon, as many human rights activists had hoped, political satirist Mirza Sakit. Sakit was sentenced in September 2006 on charges of narcotics possession, charges most observers believed to be spurious. The decree also did not address the cases of four other journalists who received suspended criminal sentences and/or hefty civil penalties for libeling GOAJ officials.

OSCE REACTION LUKEWARM, HUMAN RIGHTS ACTIVISTS CRITICAL

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¶3. (C) The pardon decree was met with skepticism by human rights activists and international observers. OSCE Chief of

Mission Maurizio Pavesi publicly welcomed the journalists' pardons as a "demonstration of political goodwill" in the aftermath of the early October visit of OSCE Media Freedom Representative Miklos Haraszti (ref. b). However, OSCE officials privately told poloff that the pardon decree was less than they had hoped for, and that the OSCE remained concerned about the continued deterioration of the media environment in Azerbaijan. One OSCE official commented that it was unnecessary to applaud the GOAJ for pardoning people that should never have been in jail to begin with. Prominent human rights activist Novella Jafaroglu said that the decree was a "decoration for the public." Another well respected activist, Leyla Yunus, commented that the list of those pardoned completely ignored the counsel of many NGOs and activists, herself included, who submitted recommended pardon lists to the Presidential Apparat in early October.

#### OSCE TO PURSUE LIBEL LAW DECRIMINALIZATION

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**¶4. (C)** Separately, on October 27, OSCE democratization officer Ingrid Gossinger (protect) briefed OSCE member states on OSCE Baku's plan to pursue legislative decriminalization of libel over the next 12 months. Gossinger said that the OSCE expects the GOAJ to rebuff these efforts "as they done in the past" and was therefore not surprised by the public comments of presidential aide Ali Hasanov downplaying the importance of libel decriminalization. (President Aliyev rebuffed decriminalization of libel in an October 9 meeting with OSCE Special Representative for Media Freedom Haraszti - ref. b). OSCE will press the issue later this month with the Presidential Apparat and will begin a year long effort in early 2007. OSCE officials tell us that OSCE Baku would welcome member states' support for decriminalization of libel

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both in Baku and in Vienna. (Post strongly supports the OSCE Baku's initiative, as the decriminalization of libel is consistent with GOAJ commitments to the OSCE and Council of Europe. We have raised the issue with the MFA and Presidential Apparat and will continue to do so.)

#### AZADLIQ NEWSPAPER THREATENED WITH EVICTION

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**¶5. (U)** Separately, the GOAJ State Committee for Property filed suit against the opposition newspaper Azadliq in the Baku Economic Court in an attempt to evict the newspaper from its current location in central Baku. Azadliq newspaper shares the premises, a large building near the Embassy's annex, with the opposition Popular Front Party (PFP), the opposition newspaper Bizim Yol, and Turan News Agency, all of which have joined the suit as co-litigants.

**¶6. (C)** Azadliq newspaper argues that the Baku Mayor gave the property to the buildings' tenants in 1992 with an unlimited title for which they have not needed to pay rent. The State Committee alleges that no lease agreement was formally signed and that therefore the paper owes the GOAJ rent arrears since 1997. Azadliq has told the press it would be willing to pay rent in the future once an agreement is signed with the State Committee, and claims that the GOAJ decision to go to court is politically motivated. PFP Chairman Ali Kerimli told ADCM October 31 that he believes the GOAJ intends to shut down Azadliq newspaper as the GOAJ knows Azadliq does not have the resources to pay the sums due. Human rights activists believe the eviction proceeding to be further evidence of a GOAJ crackdown on media freedom and its attempt to undermine the political opposition. In response to the eviction suit, six opposition party members began a hunger strike in Azadliq's office on October 30. On November 2, approximately 50 opposition party activists held an unsanctioned demonstration in front of the State Property Committee's office. Police detained and released the demonstrators after several hours.

ALIYEV DISMISSES LOW MEDIA FREEDOM RANKING

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¶7. (C) The Paris-based international NGO, Reporters Without Borders (RWB) recently ranked Azerbaijan 135 of out 168 for its performance in protecting and advancing media freedom. President Aliyev reportedly dismissed the low ranking in a meeting with a delegation of Moscow-based, mostly Western journalists visiting Baku on October 27. According to the published report of a Christian Science Monitor journalist who attended the meeting, Aliyev said that "I treat these kind of ratings with a high degree of skepticism." However, a Bloomberg news reporter on the delegation privately told PAO that Aliyev acknowledged problems in Azerbaijan's democratic development but criticized what he said was the biased assessments of organization like RWB.

COMMENT

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¶8. (C) The recent deterioration in media freedom began six months ago with the numerous libel suits filed by the Interior Minister against journalists, in what observers describe as the effective end of the "Huseynov" libel moratorium. During this period we have also seen increased restriction on the freedom of assembly. We believe there are broader factors underlying these developments which we are analyzing in order to craft an effective USG response. A/S Lowenkron's upcoming visit will be a key opportunity to deliver our message on this and broader USG interests. We will shortly provide an analysis of these underlying factors septel. We will continue to register our concern at all levels of government and we are also exploring options for a joint demarche with other concerned diplomatic missions.

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